IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12684 of 2004

Between:

M/s K.M.S. Power Private Limited, 247, III Floor, Dwarakapuri Colony, Panjaguttra, Hyderabad, rep. by its Director (Technical) P.M. Madan Mohan.

..... PETITIONER

AND

1 Transmission Corporation of Andhra Pradesh ltd, Vidyut Soudha, Hyderabad, rep. by its Chairman & Managing Director.
2 Andhra Pradesh Electricity Regulatory Commission, Singareni Bhavan, Red Hills, Hyderabad, rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Mandamus declaring the action of the 2nd respondent in initiating proceedings and issuing the order/directions in Letter No.APERC/Secy/Dire(Engg)/DD(Tr)/F-PPA/D.No. 2739 /2003 dated 15-11-2003 and consequential action of the 1st respondent in Letter FA&CCA/A&E/SAO/PP&S/D.No. 666/04 dated 22-6-2004 in deducting the amount for the alleged quantum of excess energy delivered above 100% PLF during each 30 minutes time block for the months from December, 2003 to May, 2004 as illegal and contrary to law and set aside the same and consequently directing the 1st respondent to purchase and pay for all the energy delivered from the power project of the petitioner to the 1st respondent as per the existing Power Purchase Agreement between the 1st respondent and the petitioner without any limitation.

Counsel for the Petitioner:MR.B.ADINARAYANA RAO

Counsel for the Respondent No1: MRS.M.VINOBHA DEVI (SC FOR

APTRANSCO)

For the respondent No.2: Sri P. Sri Raghuram, Advocate

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:-

Learned counsel for the petitioner sought permission to withdrawn the writ petition. Permission is accorded.

Accordingly, this writ petition is dismissed as withdrawn.

10—08—2004.

Stv/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Chariman & Managing Director,Transmission Corporation of Andhra Pradesh Ltd. Vidyut Soudha, Hyderabad

2. The Secretary, Andhra Pradesh Electricity Regulatory Commission Singareni Bhavan, RedHills, Hyderabad

3. 2 CCs to the Standing Counsel for A.P. Transco (OUT)

4. 2 CD copies

-

-